

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LAMAR EDWARDS,

Petitioner,

MEMORANDUM & ORDER
11-CV-3902 (JS)

-against-

WARDEN H.L. HUFFORD, D.A. STATE OF
NEW YORK,

Respondents.

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APPEARANCES:

For Petitioner: Lamar Edwards, pro se
48209-053
Schuylkill Federal Correctional Institution
Inmate Mail/Parcels
P.O. Box 759
Minersville, PA 17954

For Respondents: No appearances.

SEYBERT, District Judge:

Petitioner Lamar Edwards ("Petitioner"), appearing pro se, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum and Order dated September 27, 2011, Petitioner was ordered to show cause why the Petition should not be dismissed as time-barred by the one-year statute of limitations pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). On October 17, 2011, the Court received Petitioner's response to the Court's Order. Upon review of the response, and in accordance with Rule 4 of the Rules Governing Section 2254 Cases, the Court has determined that the Petition should not be summarily dismissed.

Accordingly, it is:

ORDERED that the Attorney General of the State of New York or the District Attorney of Nassau County, as attorney for Respondents, shall file a limited answer to the Petition, addressing the timeliness of this Petition under 28 U.S.C. § 2244(d) within thirty (30) days of the date of this Order with proof of service with the Clerk of Court. However, if Respondents concede that the Petition is timely, Respondents shall file a complete and entire answer to the Petition within sixty (60) days of the date of this Order with proof of service with the Clerk of Court, and it is further

ORDERED that if the Petition is timely, Respondents shall prepare the state court record to be produced and filed upon the Court's request, and it is further

ORDERED that no reply is required, however, should Petitioner want to reply, the reply shall be served on Respondents' counsel and filed with the Clerk of Court within thirty (30) days of receipt of the answer.

ORDERED that service of copies of this Order, the Petition (Docket Entry 6), the Court's September 27, 2011 Memorandum and Order (Docket Entry 8), and the Petitioner's response (Docket Entry 9) shall be made by the Clerk of the Court to the Attorney General of the State of New York, 200 Old

County Road, Suite 460, Mineola, NY 11501, and the District Attorney of Nassau County by electronic service.

The Clerk of the Court is also directed to mail a copy of this Order to the pro se Petitioner.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: November 29, 2011
Central Islip, New York